



PUBLIC NOTICE

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REMINDER TO VIDEO PROGRAMMING DISTRIBUTORS AND THE PUBLIC OF THE JANUARY 1, 2003, BENCHMARK FOR THE CLOSED CAPTIONING OF PRE- RULE NONEXEMPT VIDEO PROGRAMMING

This *Public Notice* is to remind video programming distributors and the public of the upcoming closed captioning benchmark for pre-rule nonexempt video programming. As provided in the regulations, “[a]fter January 1, 2003, 30% of the programming distributor’s pre-rule nonexempt video programming being distributed and exhibited on each channel, during each calendar quarter, must be provided with closed captioning.”¹ The Commission’s closed captioning benchmark applies to both analog pre-rule video programming (*i.e.*, video programming that was first published or exhibited *before* January 1, 1998),² and digital pre-rule video programming. Digital pre-rule programming is video programming prepared or formatted for display that was first published or exhibited *before* July 1, 2002.³ Beginning January 1, 2008, 75% of all pre-rule nonexempt programming must be captioned.⁴ These benchmarks ensure that video programming

¹ See 47 C.F.R. § 79.1(b)(2)(i); *see also* 47 C.F.R. § 79.1(a)(7); Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility, MM Docket No. 95-176, *Order on Reconsideration*, FCC 98-236, 13 FCC Rcd 19973, 19988 (1998).

² See 47 C.F.R. § 79.1(a)(6)(i).

³ See 47 C.F.R. § 79.1(a)(6)(ii); Closed Captioning Requirements for Digital Television Receivers: Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility, ET Docket No. 99-254, MM Docket No. 95-176, *Report and Order*, FCC 00-259, 15 FCC Rcd 16788 (2000) (*Digital Closed Captioning Order*) (*See Summary of Requirements*, setting forth applicable compliance dates).

⁴ See 47 C.F.R. § 79.1(b)(2)(ii).

is accessible to persons who are deaf or hard of hearing in accordance with the mandate of Congress as set forth in Section 305 of the Telecommunications Act of 1996.⁵

As a further reminder, with regard to *new* nonexempt video programming, the Commission's rules currently require that at least 900 hours of new nonexempt video programming be closed captioned on each channel, each calendar quarter.⁶ This amount will increase to 1350 hours as of January 1, 2004.⁷ Analog new programming is video programming that was first published or exhibited *on or after* January 1, 1998.⁸ Digital new programming is video programming prepared or formatted for display on digital television first published or exhibited *on or after* July 1, 2002.⁹

The full texts of these documents are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. This *Public Notice* can also be downloaded in Text and ASCII formats at <http://www.fcc.gov/cgb/dro>.

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This document is available to individuals with disabilities requiring accessible formats (braille, large print, electronic files, or audio format) by contacting Brian Millin, of the Consumer and Governmental Affairs Bureau at (202) 418-7426 (voice), (202) 418-7365 (TTY), or by sending an e-mail to bmillin@fcc.gov.

Consumer & Governmental Affairs Bureau Contact: Dana Jackson, (202) 418-2247 (voice); (202) 418-7898.

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⁵ See Pub. L. 104-104, 110 Stat 56 (1996); 47 U.S.C. 613.

⁶ See 47 C.F.R. § 79.1(a)(7); 47 C.F.R. § 79.1(b)(ii).

⁷ See 47 C.F.R. § 79.1(b)(iii).

⁸ See 47 C.F.R. § 79.1(a)(5).

⁹ See *generally Digital Closed Captioning Order*, 15 FCC Rcd 16788 (See Summary of Requirements, setting forth applicable compliance dates).

